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NOTES

I. MUNICIPAL GOVERNMENT

Greater New York.¹—*Statistical Work of the Tenement House Department.*—The subject of statistics probably receives greater recognition in the Tenement House Department than in any municipal department not organized for the collection of statistics. The framers of the law, and those directing its organization, have made statistical work a requisite in the administration of the department. Co-ordinate with the inspection bureau and the executive work is the Bureau of Records, which is a sort of clearing house. To this bureau all clerks in charge of special work make daily reports, which recorded on appropriate forms, show at once the exact status of any action of the department. All original reports made by inspectors are ultimately filed in this bureau, and the several city departments supply daily reports of their work, so far as they affect tenements or the tenement population of the city. This combined, furnishes in a single bureau a summary of the entire municipal activity in this given line.

The greater portion of the material for this summary is naturally furnished by the department. Plans for all new tenements must be approved before work is begun, and during the course of construction of any new building, inspectors make frequent visits to see that the plans approved are followed. In the case of existing tenement houses the law provides that those in which apartments bring a monthly rental of twenty-five dollars or less must be inspected at least once a month,—higher class apartments may be inspected at the discretion of those in charge. This entire work requires that some two hundred men devote their time to inspection, and to reporting conditions found. The statistical work has to do with these reports. An inspector is not given *carte blanche* to report any and all conditions he may find, but his work is carefully supervised, those in charge selecting a certain kind of work that shall be done at a given time. This work determined upon, a printed card, five by eight inches in size, is made, which is given the inspector, and he, by a series of check marks or interpolations indicates the conditions found. These cards, one for each house, are returned to the department and, after action by the proper bureaus, ultimately become the property of the Bureau of Records. These cards cover a variety of subjects, such as structural changes, urgent conditions, fire-escapes, basements, overcrowding, night-lighting, etc. Their nature is best shown by giving the subject-matter of at least two.

The urgent card, technically known in the department as the "U" card, aside from the table showing condition of hall-lighting, unoccupied spaces, and halls and stairs on the several stories, contains data relating to the condition

¹ Contributed by W. R. Patterson, Ph.D., Chief Statistician.

of the roof, water supply, flushing apparatus, cast iron pipes, lead pipes, fixtures, garbage cans, ash cans, house drain, lowest floor, floor, ceiling, water-closet, compartments in building, yard fixtures, compartments, school sink, vault, cesspool, out-buildings and disinfection needed.

The so-called inspection, "I," card permits the tabulation of the dimensions of the shafts and windows, and the condition and number of the sinks and water-closets, besides giving the data concerning skylight, scuttle-bulk-head, ladder-stairs, windows in hall, fire-escapes, yard fixtures, closet accommodations, bakery, interior rooms. Cards similar to the above are made for fire-escapes and basements; others cover the subjects of overcrowding, night-lighting, etc.

The remainder of the general summary will be obtained from the health, police and fire departments. Each of these departments will ultimately supply daily reports of their work so far as it has to do with the tenements of the city. The Department of Health will report all cases of contagious disease and death, giving the name, age, sex, and disease or cause of death; the Police Department a similar report of arrests, giving name, age, sex, and cause of arrest; and the Fire Department, stating cause of fire, point of origin, path, damage done and number injured or killed.

Cards five by eight inches in size, of distinctive colors, have been prepared for the tabulation of these reports. Every tenement of the city will have its individual set of cards, and when a case of contagious disease, arrest, etc., is reported in a given house, a proper entry will be made on the death, police or fire card belonging to that house. In this way a continuous record of each tenement will be kept, which will be filed according to street and number with all cards prepared by the department, and in that way will give a complete history of the house in small compact space.

Finally, it is the intention of the department to make this material available by taking a census of the tenement population. The schedule will be brief, containing but a few entries, yet of such a nature as to give a comparative base from which conclusions as to the effect of certain tenement conditions may be drawn.

Pennsylvania.—*Personal registration in municipalities* is provided in the act prepared by the Joint Committee for the Promotion of Electoral Reforms and the Merit System in Pennsylvania. This committee represents the following organizations: Pennsylvania Ballot Reform Association, Civil Service Reform Association, Municipal League of Philadelphia. Hon. Clinton Rogers Woodruff, Secretary of the National Municipal League, is chairman. Registration districts are to contain about, but not over 2,500 voters, the districting to be done by the county commissioners. The appointment of registrars rests with the court, each registrar to name a clerk whose qualifications shall be the same as those of the registrars; viz, citizenship, five years' residence, "sober and judicious." It is furthermore provided that they shall not all be of one party. "They shall not be eligible to any civil office to be filled at the ensuing election." Compensation is fixed by the court. Five registry days are named before general elections, sixty-fourth, sixty-second, twenty-

ninth, twenty-seventh, and seventeenth and three days before municipal elections, the twenty-ninth, twenty-seventh, and seventeenth. The hours of registration are 10 a. m. to 6 p. m., and 7.30 p. m. to 10 p. m. Registration must be in person. In addition to the usual identification the voter must state whether he will require any assistance in marking his ballot, and the reason for such requirement. When able to write, the voter must subscribe his own name in the register, if not the inability must be stated on the book.

If any citizen shall object to the action of the registrars in accepting or rejecting any claim for registration, he may file his petition to the Court of Quarter Sessions, where a public judicial hearing will determine the question, with the usual results for failure to comply with the orders of the court. Each party may be allowed one watcher at time of registration. In case of challenge on election day the voter must sign his name, which signature must of course correspond with that on the registration list. When the voter is unable to write, other identification is required on affidavit. No more than ten electors, other than officers, shall be allowed in the registration rooms at one time.

Penalties are provided for failure to swear to truth, or in the manner prescribed by the act a fine not to exceed \$1,000 or imprisonment not to exceed one year or both,—for perjury by voters \$500 *and* imprisonment of not more than two years,—for refusing to serve as registrar except as excused by the court \$100,—for willful error by registrars \$500 *and* imprisonment of not more than one year,—for fraudulent registration or abetting same \$1,000 *and* imprisonment of not more than three years,—for registering without personal application \$300 or one year or both,—for refusing the vote of one registered or accepting the vote of one not registered \$1,000 *and* imprisonment of not more than three years.

Ballot Reform.—The above-mentioned committee has also prepared for general distribution an act amending the present ballot law. This act has been submitted with formal arguments to a special committee appointed by the Republican party to draft measures which will embody the pledges made by that party to the voters of Pennsylvania. The Ballot Reform Committee demands these three requisites of honest elections: first, absolute secrecy of the ballot; second, a ballot which voters can use without risk or mistake; third, a ballot by which candidates of all parties have an equal chance to receive the votes of their supporters. All of which requisites, it is said, the present ballot law of Pennsylvania lacks. The proposed act prevents group or party voting, except in case of presidential electors, and requires that a mark be placed opposite the name of each candidate voted for. A party which polls at least 1 per cent of the largest entire vote for any office cast in the state or electoral district or division, is entitled to a certificate of nomination. Nomination papers may be filed if signed by at least 1 per cent of the entire vote cast in the electoral district or division, provided that in no case shall the signatures of more than five hundred electors be required nor less than ten be allowed. No person may subscribe to more than one nomination for each office to be filled; the party ticket shall be distinctly

separated by clear space in the order following: the plurality of votes in the state election, or in case of county issues the highest average vote. If a candidate receives more than one nomination for the same office, his name shall be printed but once, but with all the party or political appellations to which he is entitled; space must be reserved for independent voting. In case the voter needs assistance, the helper must take oath that he will not attempt to influence the vote, that he will give only the help desired, that he will not discuss the contents of the ballot; the name of the helper must be registered opposite the voter's name, stating cause. Anything said or done in violation of any oath or affirmation made in pursuance of the act shall be taken to be perjury and punishable as such. In case of dispute over a vote the ballot shall be marked "disputed," its legality to be determined by the return judges. The watchers representing the different parties may see plainly the counting of the votes, but they shall not be allowed to touch the ballots or to interfere with the counting of the votes. Doors and windows shall be closed after the closing of the polls, but shall not be screened by shutters, curtains or other obstructions. Thus persons outside the room may be permitted to see what takes place within the same.

County Primary Election.—The student of institutions has in the county of Bucks, Pennsylvania, an interesting survival of the county unit in political action. It will be recalled that in the colonies to the south of Pennsylvania, the local unit was the county, while in those to the east and north it was the town. Pennsylvania had the "mixed system" of local government, in part that of the South and in part that of New England. The change in Pennsylvania has been from the former to the latter and there now remains but Bucks County, holding its primary election at the county seat. This election is attended by the adherents of the party calling it from all parts of the county. The Republican primary, as recently held, was a unique event, of interest alike in itself and in what it typified. The Republican candidate for governor, so strongly endorsed at that meeting, has somewhere said that the historian who would stand face to face with the Reformation, and study the thought, faith, habits, ways of life, etc., of that epoch, has only to visit the Mennonites of Lancaster County. Similarly the Bucks County primary suggests the folk-mote of remote Aryans or the assembly of early German villagers.

Bucks is a large, rich and populous county, lying in proximity to Philadelphia on the one side, and to Trenton on the other. The upper and lower ends of the county are quite sixty miles apart, but, fortunately for the assembly of freemen, the county seat, Doylestown, is located about in the centre. From the upper and lower ends of the county, railway communication is direct with Philadelphia, so that trains must make a roundabout passage to reach Doylestown. At the recent meeting there was the novel sight of the Pennsylvania train from Bristol using the Reading track, the only line by which Doylestown could be reached. Verily politics make strange associates, even in railway management. Communication is made easier by three trolley lines reaching from Doylestown in various directions, and probably the voters of the county could never meet at the county seat with less

inconvenience than at the present. The manipulation of party machinery in Bucks County illustrates the axiom that it is not so much the governmental organization as the manner of its control, that affects the people for good or ill. The veteran ringster finds the political system of Bucks County admirably suited to his purpose; he has made a study of the local condition, and probably enjoys packing the primary convention at Doylestown as some slight relief from the monotony of controlling local primaries in other parts of the state.

In the preceding legislature the senator and three representatives from Bucks County had not been amenable to the influence of the Republican state leader and it was felt that they were marked for the shelf although they announced themselves as candidates for renomination. The setting aside of the candidate for the State Senate illustrates the methods of the machine. At first an ominous silence was observed, followed as the convention approached, by statements that he was "not available" because of the section of the county from which he came.

Labor Day was selected for the county primary. From early morning Doylestown had the animated appearance of a rural city on circus day, or a place in which there was a county fair. Private conveyances came loaded; the trolley lines were taxed to their utmost; extra coaches came attached to the regular trains, and several special trains were brought in. Street parades were formed with a band of music, and placards announcing candidacy were displayed. Drinking places, wide open, were largely patronized. Knots of earnest men were to be seen everywhere about the town engaged in conference. In marked contrast to these were those who had come for the pleasure of a "day off." For the latter there was a baseball game in the afternoon, characterized by much disorder and nearly ending in a riot.

Promptly at eleven o'clock the convention was called to order from an open stand in the courthouse yard. Those who wished to take part in, or to follow the proceedings, were compelled to stand near the platform. The voting population of Bucks County is over 20,000; it is variously estimated that there were four or five thousand or more of these in attendance on this convention. The deliberative proceedings were a mere farce. Neither the chairman nor the secretary was heard by more than a small portion of the assemblage. Some one aptly suggested the use of a megaphone. From the first it was evident that the wheels of the machine were well greased. Two nominating speeches were made in a perfunctory way, but they were uninteresting or unintelligible and the rest of the candidates were nominated by mere mention of names. Motions to close the nominations were entertained and put by a *viva voce* vote; for several offices to which there was but one nominee the action of the convention was immediately taken by a similar vote. Proceedings were cut and dried; one man gained the attention of the chairman and made four or five motions in quick succession. Some motions were carried with fewer voices than there were thousands in the assembly. Conversation was engaged in all about the stand. One man gave it as his opinion that the one who had not been regularly slated for an office was a fool to let his name come before the convention; another remarked

when a certain man was mentioned for sheriff, that if he were elected no prisoners could be kept in the county jail, as he would prove too lazy to lock the door.

An outsider wondered how the vote was to be taken when there was a contest, but the proceedings of the convention made this clear. Bucks County is divided into seventy odd election districts, and these act as units at the county convention. The secretary called the roll of the districts and announcement was made of the time and place of meeting for each. Such notices as "Ross's office at one o'clock," "back of stand immediately after adjournment," "northeast corner of courthouse at one-thirty," etc., were common. During these proceedings lines began to be drawn for the meeting of the local divisions, where the contests were to be made. One could then hear the "stand by us," "we are going to have a fight to-day," etc.

A little after noon the convention adjourned to meet again at two o'clock and hear the reports from the election divisions. The recess was given to meetings of the divisions held about favorite trees in the courthouse yard, at the flag pole, at the courthouse steps, at the corners of the courthouse, etc. Each division seemed to have a fixed place of meeting at which the electors gather year after year. The vote at the division meetings was for each nominee separately, and was usually taken by show of hands. At places there were barely a score of people and the voting was rushed through in a surprisingly short time; at other places there was a sharp contest and hundreds of men were in attendance. The voting in the Middletown division illustrates what was likely repeated in other cases. A contest was on for the local committeeman of the party organization; each side had brought all the men it could muster, and it was felt that the voting would be close. The electors from Middletown met in the open at their tree and passed on the approved county nominees, but when they came to select the member of the county committee the fun began. Men from other divisions crowded in and joined forces with each side and a jostling, noisy mob surged about the presiding officer and the tellers. An attempt to vote by show of hands was unsuccessful; a division into two groups was confusion worse confounded. When this was attempted, one obliging freeman, having been counted on one side, slipped through the crowd to become one of the opposition. The tellers next stood with space for the voters to pass through singly, and the respective parties were marshaled and filed through. This resulted in a tie, with charges of fraud, and next the voters were marched through singly to give their names and to call the person for whom they voted. Again the vote would have been a tie, but one man, so drunk as to be irresponsible, however he might have been when sober, was pulled out of the line of the first division as he was being taken through, to be held and taken through by the second. Both sides claimed this man, but though he had probably been bought by the first he was counted for the second. This whole scene was as successful a parody on elections as could well be devised.

Promptly at two o'clock the convention was again opened and the roll of divisions called. The secretary stated the number of votes for the divisions,

which varied from one to five. Formerly each division had one vote, but a recent change distributes the votes pro rata according to the number of electors.

As at present conducted the Bucks County primary seems altogether vicious, tending to keep the control of party machinery in the hands of the worst elements of the county. Men at all advanced in years, or not in robust health, cannot withstand the fatigue of the journey to the county seat, or the turmoil of the day in Doylestown. The entire contrivance is antiquated; the general assemblage is too large and loosely formed to be a deliberative body—it registers not its own will but that of the machine boss. Then again the action of the local divisions is illogical; if they are to determine separately who are to be their nominees, why might not such a determination be made at home? Indeed it was reported that in some cases a caucus had been called at home to settle exactly what should be done at Doylestown. So well planned was the day's program, that a Philadelphia newspaper published the proceedings of the convention the morning before it took place, and actually named the entire ticket and forecasted the platform. On the following morning the same paper suggested that the party leaders had nominated the ticket they did, so as not to go counter to its predictions. A day at the convention convinces one that the best judgment of Bucks County favors the abolition of the present primary system.

California.²—*Public Service Commission.* One of the most radical and startling constitutional amendments affecting public service corporations throughout the state, including all municipalities, is to be passed upon by the voters of California at the coming November election. This amendment creates a State Commission, composed of five members, chosen from five districts in the state, for a term of ten years. The members are ultimately to be elected, but the amendment provides that the first commission shall be appointed by the governor, and be gradually succeeded by an elected commission. This commission "shall have exclusive jurisdiction and power . . . to determine, fix, and establish all and every rates and charges" for services and commodities furnished in the state, by any and all persons or companies, in respect to transportation of passengers and freight; to gas, electric light and power, and water; to telephone and telegraph services; to sleeping-car services and to all express services. These rates may be changed by the commission at any time, save that every rate once fixed must continue for one year. Of course "all such rates shall be reasonable, considering the services performed or the commodities furnished," but no review of such rates by the courts is mentioned, and it is specifically provided by the amendment, that the commission shall have, as just noted, "exclusive jurisdiction and power." In order to make this jurisdiction still more unquestionable, the amendment expressly declares that, for the regulation of rates and services, and for furnishing and supplying such commodities and services mentioned, this State Commission shall be the successor of all Boards of Supervisors, city and town councils, with all the powers and duties now given them by the constitution and laws

²Contributed by Prof. Kendrick Charles Babcock, University of California.

of the state. California has for years had a railroad commission, but it has never been considered a success. It certainly gives no hope for the efficiency of a commission with larger powers.

This amendment was passed by a sweeping majority. In the Assembly by a vote of sixty-one to one and in the Senate by a vote of twenty-seven to eight. The League of California Municipalities was strong enough to carry through the legislature about ten measures of importance, including an amendment for exempting municipal bonds from taxation, but it was not able to defeat this amendment to create a State Commission. The prospect for the defeat of the amendment at the polls is fair. *California Municipalities*, the official organ of the League, and many of the most influential papers are vigorously opposing it.

Virginia Constitutional Convention.³—*Municipalities*.—Virginia's new constitution, which had been a year in the making, went into effect by promulgation on July 10, 1902. The subject of municipalities is treated in Article VIII, entitled "Organization and Government of Cities and Towns," containing thirteen sections and occupying five pages of the printed document. The committee on municipalities presented its report January 10, 1902, and the subject was discussed in convention from January 20 to 29, with the result that work of the committee was accepted with but little modification by the convention.

A city is defined as an incorporated community having a population of five thousand or more within its boundaries; and incorporated places having a smaller population are designated towns. The legislature is required to pass general laws for the organization and government of towns, and while communities already possessing charters may continue to administer them, all charters are by the constitution amended to conform to the new constitutional provisions. Local legislation can be passed only after it has been referred to the joint standing committee of the legislature upon special, private and local legislation, it being the duty of this committee to report whether the object of the bill can be accomplished as well by general law or by proceedings at law.

While the constitution requires general laws on the subject of municipal organization, it must be confessed that the document itself contains many legislative and administrative provisions. An elaborate plan of municipal organization is outlined, with the following officials expressly named: mayor, treasurer, sergeant, judge, clerk of court, commissioner of revenue and members of the two branches of the city councils. The term of service, usually four years, is fixed, and in some cases even the duties of the officers are prescribed. The mayor is given a qualified veto upon the acts of the municipal legislature, but a two-thirds vote of all the members of each house of the councils may pass over this veto.

Virginia followed the recent constitution of Alabama⁴ in guaranteeing to municipalities the advantages of competition and of short-term franchises

³Contributed by Prof. A. E. McKinley, Ph.D., Philadelphia.

⁴See ANNALS, xix, p. 143, January, 1902

by providing that no franchise for the use of streets can be given except with the consent of the local authorities, and then only after public advertisement for competing bids and for the term of thirty years, with an exception in favor of a "trunk railway." Contrary to the custom of recent conventions, that of Virginia did not place any restriction upon municipal taxation, except for school purposes, which was limited to five mills on the dollar; and the state legislature may authorize local poll-taxes to an amount not greater than one dollar and a half annually. The lawful indebtedness of cities and towns was limited to 18 per cent of the assessed valuation of "real estate," quite a different limit from the Alabama 7 per cent of the "property." Notes issued in anticipation of revenue were exempted from this limit; and there was also the reasonable provision (if well administered), that the restriction did not apply to those public improvements from which the income was sufficient to pay the interest and a proportionate amount of the principal of the investment.

It may be well to note that Virginia stands quite low in the list of states in respect to urban population. The proportion of the population dwelling in places of four thousand or over was 11 per cent in 1880; 15 per cent in 1890; and only 16.5 per cent in 1900. These figures show that Virginia has by no means the problem in municipal government which confronts some of the northern states, but her statesmen have acted wisely in adopting a thorough organization and control of municipalities while the way is easy.

The League of American Municipalities.⁵—The sixth annual convention of the League of American Municipalities was held at Grand Rapids, Mich., August 27-29. About two hundred delegates were present representing seventy-five of the one hundred and thirty cities in the league. Among the papers and addresses were the following: address of welcome, by W. Millard Palmer, mayor of Grand Rapids; president's address, by Charles S. Ashley, mayor of New Bedford, Mass.; "Transportation and Taxation," by J. M. Head, mayor of Nashville, Tenn.; "The Contract System," by Thomas G. Hayes, mayor of Baltimore; "Canadian Municipal Conditions," by W. D. Lighthall, mayor of Westmount, Ont.; "The Gospel of Cleanliness," by D. W. H. Moreland, commissioner of public works of Detroit; "Street Paving," by B. F. Fendall, city engineer of Baltimore; "Municipal Government in Germany," by C. E. Campbell, of Des Moines; "Gas Leakage in Cities," by James C. Bayles, of New York City; "Municipal Accounting," by J. J. McCardy, comptroller of St. Paul; "The Ohio Municipal Situation," by W. B. Doyle, mayor of Akron, O.; "Organized Labor's Relation to Municipal Affairs," by A. Sullivan, mayor of Hartford, Conn.; and "Municipal Conditions in New York," by Jacob Cantor, president of the borough of Manhattan.

The following extracts from Mayor Doyle's paper will indicate some aspects of the municipal situation in Ohio: "Briefly the status is this: there is not at the present time a legally-constituted city in the state, not a city with a valid charter. . . . Two recent decisions of the Supreme Court of Ohio are the apparent cause of this trouble, since they demolished the elaborate

⁵Contributed by John A. Fairlie, Ph.D., University of Michigan.

scheme of the classification for cities which had long served as a pretext for the passage of special and local laws, in violation of the constitution, pulverizing the foundations upon which every city government in the state has been erected. These decisions were only the apparent cause of the disaster. The real cause dates back nearly fifty years to the making of the initial error.

"There was an entirely different form of government for each grade. The word grade was a misnomer, it really meant a class, and, instead of two classes with their respective grades, there were in truth eleven distinct classes. One cannot but admire the courage shown by the Supreme Court in taking its bold stand. To reverse itself in the face of all the adjudications of the past and the constant reiteration that the doctrine in question had been settled for all time and past questioning, and in the face, too, of the tremendous consequences sure to follow their holding, certainly required courage. The legislature of the state has been convoked in extraordinary session by the governor. It met first on August 25. It was called for the purpose of enacting a code of laws for the organization and government of the cities and villages of the state. . . . The principal code suggested is the administration measure drafted and recommended by Governor Nash and his personal advisers. A second complete code has been presented to the legislature by the state board of commerce. It is commonly understood that a third will be offered, embodying the distinctive features of the so-called federal plan. The opportunity now presented to the legislature of Ohio is a rare and magnificent one. Not since the Municipal Corporation Act of 1835 in England has there been such a chance to work on so grand a scale for the reform of city government."

It may be added that since this paper was read, the Senate has adopted the code prepared by Governor Nash, with few important changes; the House of Representatives has made a number of radical changes, notably those providing for single elected commissioners of public safety and public service, and for a merit system under state control for the police, fire and health departments. At the present writing the House and Senate bills are in the hands of a conference committee. The League elected as president for the present year, J. Edgar Smyth, mayor of Charleston; and re-elected as secretary, John MacVicar, of Des Moines, Ia. The next meeting will be held at Baltimore, the first time one of the large cities in the country has been selected.